

EXHIBIT 2

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FACEBOOK, INC.,)
)
)
Plaintiff,)
)
vs.) No. 5:08-cv-05780 JW
)
POWER VENTURES, INC., a)
Cayman Island)
corporation; STEVE)
VACHANI, an individual;)
DOE 1, d/b/a POWER.COM,)
DOES 2-25 inclusive,)
)
Defendants.)
)
)
_____)

VIDEOTAPED 30(b)(6) DEPOSITION OF
STEVE VACHANI

Held at the Orrick, Herrington & Sutcliffe
1000 Marsh Road, Menlo Park, California
Wednesday, March 7, 2012, 9:57 a.m.

REPORTED BY: ELAINA BULDA-JONES, RPR, CSR #11720

1 Q. On Facebook's terms of service and
2 compliance with it?

3 A. We had reviewed it internally.

4 Q. Yeah.

5 A. We have -- we have -- had internal
6 counsel.

7 Q. All right. Do you recall at your July
8 deposition saying that while you had invested vetted
9 the general process of complying with terms of
10 service, you didn't specifically do anything with
11 respect to Facebook's?

12 A. We didn't -- we reviewed them.

13 Q. Okay. But you -- now -- so you do recall
14 reviewing Facebook's terms of service before they
15 sued?

16 A. Well, I think we have -- we have
17 established that in the past.

18 Q. Okay.

19 A. That we have read -- we have -- someone in
20 our company has read them, you know, read the terms
21 of service.

22 Q. All right. All I'm trying to figure out
23 is between December 2nd, 2008, and December 30th,
24 2008, did you follow through with Mr. Herrera's
25 suggestion to get advice from a litigation lawyer?

1 A. Did I get -- I believe we had -- we had --
2 we had it, but I don't know who we talked to at that
3 time, but we did get -- I did get advice from people
4 I trusted.

5 Q. Okay. But you did not engage any attorney
6 formally by Power, correct?

7 A. We did not engage any attorney formally by
8 Power.

9 Q. And in fact, in this case you specifically
10 disavowed reliance on the advice of counsel as a
11 defense to actions, correct?

12 A. We had -- we did have, obviously, internal
13 counsel, but you are correct, we got -- we got
14 advice on the issue and we continued to get advice.

15 Q. All right. And you elected, after
16 Mr. Herrera had advised to get litigation counsel,
17 to continue to make a connection to Facebook despite
18 the cease-and-desist letter, correct?

19 A. That we -- that's correct.

20 Q. And that --

21 A. We continued to make -- to make -- you
22 know, we obviously continue to this day, believe
23 that we were -- you know, that we were -- you know,
24 we had a dialogue and we had -- and we -- at that --
25 at that point, in the month of -- up until December

1 25th, we did have -- you know, we were -- we were in
2 conversation -- we were in open communication with
3 Facebook.

4 And obviously it was only on December 26
5 or 27th that, based on the fact that we were not
6 able to make the updates, we advised -- we advised
7 them that we would continue until -- in good faith
8 we would continue and try until we could complete
9 the update.

10 So we were in communication with Facebook,
11 as you -- as you are fully aware of.

12 Q. I understand you were in communication
13 with Facebook.

14 A. And no employees -- but they understood
15 that we were going to continue operating until the
16 -- Facebook had basically acknowledged that we would
17 continue operating until the 26 of --

18 Q. I understand, Mr. Vachani. But my point
19 is the decision, after Mr. Herrera, on December 2nd,
20 suggested getting a litigation lawyer, to continue
21 to connect to Facebook was your decision as the --

22 A. I was the CEO of the company, so yes, that
23 is correct.

24 Q. Okay. Do you see he also says, "And I
25 don't mean any commercial person at Meebo, even

1 whatever type of block.

2 Q. Okay. And then you say, "Please just make
3 sure they cannot block us"?

4 A. Correct.

5 Q. All right. Did you take any action to
6 ensure that Facebook could not block you on or after
7 December 2nd, 2008?

8 A. I don't believe that we did anything --
9 anything further.

10 The only thing that we had -- I don't
11 think -- I don't -- to the best of my knowledge,
12 beyond a system that -- you know, where IPs update,
13 I don't believe there was any other actions taken.

14 Q. Do you recall Mr. Santos in any way
15 responding to your statement, "Please just make sure
16 they cannot block us"?

17 A. I'm sure he responded.

18 Q. All right. Do you recall what --

19 A. I don't recall specifically what he said,
20 but I would -- I'm sure that he would -- he
21 responded to it.

22 Q. But you were the person making the
23 executive decision that you wanted to ensure that
24 Facebook could not block Power.com, correct?

25 A. Well, obviously if -- it was -- we

1 would -- we did not wish for our -- for our service
2 to be blocked by -- by Facebook, obviously.

3 Q. Okay. But you made that decision on
4 behalf of Power, correct?

5 A. I was the CEO of the company, so I made
6 the final decision.

7 Q. Okay.

8 (Whereupon, Exhibit 241 was marked for
9 identification.)

10 THE WITNESS: I don't know who made the
11 actual decision. You know, this was when I wasn't
12 the CEO of the company.

13 (Whereupon, a brief discussion off the
14 record.)

15 BY MR. COOPER:

16 Q. You directed Mr. Santos to ensure that
17 Power.com could not be blocked, correct?

18 A. Yes.

19 Q. All right. As the CEO of the company, you
20 controlled the right to make that decision?

21 A. That's correct, yes.

22 Q. All right. I put in front of you 241.
23 Exhibit 241, again, is an e-mail that you have
24 produced in the past, but with a new addition at the
25 top from the exhibit that was previously introduced.

1 Do you recall my showing you in July the
2 e-mail that you wrote to Joseph Cutler which begins
3 almost immediately on the first page and continues
4 for several pages?

5 A. Correct, yes.

6 Q. All right. This was the e-mail that you
7 wrote on December 26th, 2008, informing Facebook
8 that you would continue to maintain access to the
9 Facebook service, correct?

10 A. For business reasons until we could make
11 the transition properly, but that, yeah, we said
12 that we could not interrupt the service until the
13 new Facebook Connect solution was ready.

14 Q. All right. Do you see in this e-mail you
15 cut and pasted the e-mail you sent to Mr. Cutler and
16 then -- and sent an e-mail to Mr. Santos, saying,
17 "Please note that we will not remove anything or
18 change at this time on Facebook"?

19 A. Correct.

20 Q. All right. Then you say, "I made a
21 decision and sent an e-mail to Facebook"?

22 A. Yes.

23 Q. Okay. And that's because you did, in
24 fact, make the decision to continue to connect to
25 Facebook, correct?

1 A. Well, actually, to be clear, we were
2 connected to Facebook up until that time with
3 Facebook's full knowledge and authorization --
4 authorization for that period up until the 26th
5 because we had had a conditional agreement with
6 Facebook that we could continue operating until the
7 26th.

8 This is something I think you understand
9 that, you know, on -- after we had discussions in
10 the beginning of December.

11 And after the 26th, that's when we had --
12 we had said unfortunately, the damage -- you know,
13 for business reasons, we cannot -- you know, we
14 need -- we need to keep this up for a few more
15 weeks.

16 And then obviously Facebook responded
17 accordingly.

18 Q. My question was simple. You wrote, "I
19 made a decision and sent an e-mail to Facebook,"
20 because you did, in fact, make the decision?

21 A. I made the final decision, yeah.

22 Q. And you controlled the right to make that
23 final decision, correct?

24 A. I was the CEO of the company.

25 Q. Right. And as of December 26, 2008, you

1 block Power?

2 A. Yes, as I said in the past, we had -- we
3 had -- blocks were common with those companies. We
4 engaged and we -- and we resolved them in the case
5 of Orkut.

6 In the case of hi5, we met with them,
7 we -- you know, we explained to them our -- you
8 know, our position on it. They -- we met with the
9 CEO and the people, and resolved them like -- you
10 know, resolved the solution together.

11 (Whereupon, Exhibit 242 was marked for
12 identification.)

13 (Whereupon, a brief discussion off the
14 record.)

15 BY MR. COOPER:

16 Q. Mr. Vachani, I have put in front of you
17 one of the e-mails that was produced January 25th.
18 This is from Eric Santos to Elmo Cruz, Danilo
19 Delgado, cc'ing Julian Conceicao?

20 A. Okay.

21 Q. Have you seen this e-mail before today?

22 A. This e-mail, I don't believe I have seen.

23 Q. All right.

24 (Whereupon, a brief discussion off the
25 record.)

1 BY MR. COOPER:

2 Q. Can you read to me how you would translate
3 the first sentence?

4 A. Probably in the next few weeks, we will --
5 there will be blocks from -- attempted blocks from
6 Facebook, Hi5, or MySpace.

7 We need to have a structure -- yeah, to
8 have our structure in place to -- you know, to
9 prevent these blocks if -- if they -- if they -- if
10 they -- if they will happen. And so just asking
11 what is the state of our current structure.

12 Q. All right. Then what does he ask Elmo in
13 the next sentence?

14 A. Elmo, can you please configure Power to
15 use other servers and proxies, only for other Power
16 sites. For example, Orkut using proxy local,
17 Facebook using Squid, and Amazon and MySpace using
18 Power proxy distribution. We need to prioritize
19 this activity.

20 Q. Okay. Doesn't that reflect that
21 Mr. Santos, after December 2nd, actually had to take
22 additional activity to ensure that you would not be
23 blocked by Facebook?

24 A. He's basically saying we have a structure
25 and it's possible -- anything is possible, so we --

1 we need to keep updating our system that we have,
2 our IP rotation system.

3 Q. You are sure it's the IP rotation system
4 he's referring to?

5 A. Either the IP rotation or updating IPs.
6 He is referring to different -- to different IPs
7 here, I believe.

8 Q. Do you know?

9 A. Let's see. Well, he is referring to other
10 servers, other proxy servers, but -- other proxy
11 servers.

12 Q. Do you know if this e-mail was written in
13 response to your instruction to Mr. Santos to be
14 prepared for blocks by Facebook?

15 A. Probably, yes.

16 Q. Okay.

17 (Whereupon, Exhibit 243 was marked for
18 identification.)

19 BY MR. COOPER:

20 Q. Mr. Vachani, putting in front of you a
21 document dated January 7th, 2009, from Eric Santos
22 to you, cc'ing Felipe Herrera, Cornelius Conboy, and
23 Bruno Carvalho?

24 A. Uh-huh.

25 Q. Do you see the title, "Hi5 bloqueio de

1 was -- it was one -- it was one -- I don't know.

2 The word "outdated" means an old IP address. They
3 were probably blocking one of our -- one of our IP
4 addresses.

5 Q. Was that -- and the address they were
6 blocking was a current IP address used by Power to
7 connect to Facebook?

8 A. That was a current address.

9 Q. All right.

10 (Whereupon, Exhibit 245 was marked for
11 identification.)

12 (Whereupon, a brief discussion off the
13 record.)

14 BY MR. COOPER:

15 Q. Mr. Vachani, I put in front of you an
16 exhibit, 245, which is one of the e-mails that was
17 produced on January 25th for the first time. And
18 it's an e-mail chain, which, if you go to the second
19 page, begins on December 23rd. Do you see that?

20 A. Okay. Yes.

21 Q. It begins with an e-mail that's subject
22 matter is "Bloqueo di Facebook." Do you see that?

23 A. Yes.

24 Q. All right. And it's from Julian Conceicao
25 to you, Eric Santos, Cornelius Conboy, Patrick

1 Amorim, cc'ing Andre Fernandes and Elmo Cruz?

2 A. Correct.

3 Q. All right. First is a practical question.

4 Do you know or have any understanding why this
5 e-mail was not produced prior to January 25th in any
6 of your other e-mail productions from your Yahoo
7 account or anything?

8 A. I do not know.

9 Q. All right. Do you see we have produced,
10 because of the high importance of this particular
11 file, a certified translation already, as of today,
12 on an expedited basis?

13 A. Correct. Yes.

14 Q. All right. Please go to the second page
15 of the certified translation.

16 Do you see that the translator has
17 interpreted that first e-mail to read, in the body
18 of the e-mail, "Dear all, Power site Facebook is
19 disabled at the moment because Facebook has blocked
20 our access through web servers."

21 A. Correct.

22 Q. And then it says, "Andre is running a
23 configuration to use new IPs (Workaround Solution
24 1)." "

25 A. Yes.

1 Q. All right. Do you understand whether or
2 not this was the first or most -- or second or
3 any -- do you have any understanding whether
4 Facebook had blocked Power before December 23rd?

5 A. I believe there would have been one --
6 there would have been one instance before and then
7 after the 26th, I guess, a second instance.

8 Q. This was three days before you made the
9 executive decision to continue to connect to
10 Facebook, correct?

11 A. To leave our connection, correct.

12 Q. All right. Now, do you see Andre
13 Fernandes, three hours or close to four hours after
14 Julian Conceicao sent her e-mail, said -- wrote,
15 "Facebook is working in Power.com again"?

16 A. Yes.

17 Q. And then he said, "We are using a proxy
18 solution that allows access to Facebook through
19 different IPs from our web servers"?

20 A. Correct.

21 Q. Was the proxy solution the workaround that
22 is referred to in Julian Conceicao's e-mail that you
23 were copied on?

24 A. I am assuming that they -- they were
25 activating our solution to -- that was -- where the

1 IP was updated from our -- from our many IPs that we
2 have -- that we already had.

3 Q. Okay. On December 28th, the next e-mail
4 in the chain, Andre Fernandes informs all of you all
5 over again, "We have been blocked by Facebook yet
6 again," correct?

7 A. That's correct.

8 Q. All right. And he then says, "I have
9 configured a server at Amazon to serve as proxy, and
10 Facebook is logging in normally at the moment"?

11 A. Yes.

12 Q. So Mr. Fernandes actually had to make a
13 change to your system of IP blocks -- or of rotating
14 IPs by switching it to Amazon, correct?

15 A. Well, there was already some -- there was
16 already a system with Amazon, but he must -- he made
17 some updates.

18 Q. He says, "I have configured a server at
19 Amazon," correct?

20 A. I guess he configured. I don't know what
21 he -- we had -- we already had a relationship with
22 Amazon but I don't know what he specifically did.

23 Q. He had to --

24 A. He made some kind of adjustment.

25 Q. All right. Then do you see Mr. Santos, in

1 response to that comment, informs everybody,
2 yourself included, "We need to develop a solution to
3 create proxy servers every six hours automatically
4 or something similar"?

5 A. That's correct.

6 Q. All right. "I'm sure they will continue
7 blocking our services," is what he then adds,
8 correct?

9 A. Yes.

10 Q. All right. So Mr. Santos recognized that
11 you needed to develop a new system to deal with the
12 fact that you wanted to continue accessing Facebook
13 despite their continued blocking of your site,
14 correct?

15 A. I think what he is saying is it needs to
16 be more frequent or updated -- to be adjusted -- the
17 frequency needs to be adjusted.

18 Q. Okay. And that's because that
19 functionality didn't exist already?

20 A. No, he's saying that the frequency -- he
21 says that the frequency needs to be adjusted.

22 Q. He uses the word "solution," correct?

23 A. Yeah, solution. I mean, he is
24 basically -- the solution to change our IPs, update
25 and rotate already existed. He basically is

1 referring to how often it gets updated, and it's
2 pool IP addresses.

3 Q. Mr. Vachani, I'm going to again ask
4 something.

5 A. Sure.

6 Q. There have now been four e-mails I have
7 showed you that you have been cc'd on.

8 A. Yeah.

9 Q. Do you have an understanding why not one
10 of them was produced to us prior to January 25 in
11 any of your productions over the past three years?

12 A. I do not.

13 Q. All right. Do you recall telling me at
14 the July 11th -- July 2011 depo that you searched
15 actively your e-mail accounts to find any that
16 referred to the events of December 2008?

17 A. Yes.

18 Q. Would you agree that these are referring
19 specifically to some of the biggest events in this
20 litigation, namely, the events involving Facebook's
21 attempt to block Power?

22 A. Yes.

23 Q. Would you agree these are amongst the type
24 of e-mails you assured me you would try to search
25 for?

1 A. Yes.

2 Q. All right. And do you have any
3 understanding why they were not located, a single
4 one of them, in any of your prior searches?

5 A. I don't know why they were not located.

6 Q. All right. Does that reflect that you
7 yourself may have from time to time deleted e-mails
8 after January -- or after January 1st, 2009, even if
9 they related to the issues in this case?

10 A. I don't -- I don't believe so. I don't --
11 I don't know where these -- I don't know why these
12 were not produced.

13 Q. All right. I will represent to you these
14 were only produced because we found them in Mr. --
15 in the backup server from the Micro Exchange server.

16 A. Uh-huh.

17 Q. But my question is if you have any idea
18 why you, as you testified, kept all your e-mails,
19 why they weren't actually produced through your
20 forward production, if you know?

21 A. I don't know the answer to that.

22 Q. Okay. Do you see on December 29th, 2008,
23 Andre Fernandes sent an e-mail to Elmo Cruz, Julian
24 Conceicao, and Lucas Araujo?

25 A. Yes.

1 Q. All right. And he asks Elmo, "Could you
2 please ask someone in your team to run a diagnostic
3 exclusively with Facebook?"

4 A. Yes.

5 Q. All right. "This way we could receive a
6 notification via e-mail when log in is not possible
7 and we would know when Facebook was blocked again"?

8 A. Correct.

9 Q. All right. "Tyaga could do this, but
10 since he's not here we need to find someone else,"
11 correct?

12 A. Correct.

13 Q. And then he says, "I'm checking a way to
14 always change the proxy server in a more optimized
15 manner"?

16 A. Correct.

17 Q. All right. So again, this was a further
18 adjustment to your dynamic rotation system, in
19 addition to sending it to Amazon, that was necessary
20 to continue your access of the -- of the Facebook
21 blocks and to continue service, correct?

22 A. Yes.

23 Q. Did you have the ultimate authority to
24 instruct all of these individuals to make these
25 adjustments?

1 A. I had the authority, but -- I think that
2 they were -- they were taking natural steps to -- to
3 make adjustments.

4 Q. All right. But were you copied on --

5 A. Correct.

6 Q. -- every one of these e-mails?

7 A. Yes.

8 Q. And you approved of these steps, correct?

9 A. Yes.

10 Q. And you had the right to control these
11 steps, correct?

12 A. Yes.

13 Q. All right. Monday, December 29th, 2008,
14 is the day before Facebook sued you in this case, is
15 it not?

16 A. Yes.

17 Q. All right. And it's two days after you
18 made the executive decision -- that you wrote to the
19 team that you had made a decision to continue
20 accessing Facebook?

21 A. That's correct, yes.

22 Q. In light of Exhibit 245, do you believe
23 your statement in Paragraph 11 of Exhibit 244 is
24 accurate to the extent you said, "Power did not
25 undertake any effort to circumvent that block"?

1 A. I think that statement should be updated
2 to more accurately reflect it, based on this
3 information.

4 MR. COOPER: I am optimistic I'm going to
5 finish earlier than I thought.

6 But I would like to take a break right now
7 so I can try and siphon out some of the exhibits
8 that I was -- that I brought and not have to siphon
9 through them. So you want to take 15 minutes?

10 THE WITNESS: Sure.

11 THE VIDEOGRAPHER: We are going off the
12 record. The time is 1:36 p.m.

13 (Whereupon, a brief recess was taken.)

14 THE VIDEOGRAPHER: This begins Videotape
15 No. 3 in the continuing deposition of Power
16 Ventures, Inc. The time is 1:51 p.m. on March 7th,
17 2012, and we're back on the record.

18 BY MR. COOPER:

19 Q. Mr. Vachani, before the break, I showed
20 you Exhibit 244, Paragraph 11, the sentence, "Power
21 did not undertake any effort to circumvent that
22 block and did not provide users with any tools
23 designed to circumvent it"?

24 A. Yes.

25 Q. And you said you did agree it should be

1 system, we made -- we made adjustments, obviously I
2 think that's what -- how to phrase that. I need to
3 get the proper -- look at that carefully.

4 Q. All right. And these adjustments were
5 made over multiple days?

6 A. They were made over different -- there
7 were adjustments made, but again, adjustment whether
8 they pulled from pooled IP addresses or whether they
9 probably did them -- I mean, I think I would have to
10 look at this carefully just to see, but I think that
11 there could definitely be an update on that.

12 Q. Okay. To the extent that that exact same
13 sentence appears in other declarations you have
14 filed in this case, would it need to be -- those
15 declarations need also to be updated?

16 A. I think we should -- we should look at
17 them.

18 Q. All right.

19 A. And potentially update them.

20 Q. All right. When you say "potentially
21 update them," I'm just asking you, before today, do
22 you recall ever seeing any of the e-mails in Exhibit
23 245?

24 A. Most of these e-mails -- like a lot of the
25 stuff were internal operations on those issues. I

1 don't remember -- I don't remember seeing.

2 Q. All right. But you agree you are cc'd on
3 four of the five e-mails in this chain?

4 A. Yeah. I agree, yeah.

5 Q. Who -- and who is Cornelius Conboy?

6 A. He was another manager at the time over --
7 administrative manager.

8 Q. When did he leave Power?

9 A. Around that same time.

10 Q. Okay. Was it with -- over disagreements
11 with you on the Facebook case in any way?

12 A. No, we had no money for him. We -- he was
13 actually -- we just -- he was too expensive to
14 maintain under all of our cuts.

15 Q. Okay. Who is Patrick Amorim?

16 A. He was another executive at that time.

17 Q. What was his role?

18 A. He was a project manager, I guess you can
19 say.

20 Q. Project manager?

21 A. Project manager. I mean, he was like a --
22 I would say a -- probably the best is like a product
23 marketing manager or a product -- you know, he
24 did -- he managed both business-side -- business --
25 you know, client relationships and also project.

1 Q. All right.

2 (Whereupon, Exhibit 248 was marked for
3 identification.)

4 (Whereupon, a brief discussion off the
5 record.)

6 BY MR. COOPER:

7 Q. Mr. Vachani, this is an e-mail chain, part
8 of which was in an earlier exhibit, marked Exhibit
9 248, beginning on the 15th of December from Eric
10 Santos to Elmo Cruz, Danilo Delgado, and Julian
11 Conceicao.

12 Do you see where Mr. Santos titles it,
13 "Please Prepare For Blocks of IPs"?

14 A. Yes.

15 Q. All right. And that's because he is
16 setting up a system for the -- his engineering team
17 to take steps to prepare for blocks by what he
18 anticipated were forthcoming from Facebook, hi5, and
19 MySpace, correct?

20 A. Yes.

21 Q. All right. And this is at the same time
22 he was also, in Exhibit 247, asking for information
23 about the number of new users signing up from
24 Facebook since the launch of the campaign, correct?

25 A. This was a completely different

1 Q. Okay. But they also -- as Mr. Santos
2 understood, they were complaining and threatening to
3 block your site?

4 A. Not that they were complaining, I think
5 there was -- there were IPs that were not working.

6 Q. Do you disagree that Mr. Santos'
7 December 15th e-mail specifically refers to
8 preparing for blocks by Facebook, hi5, and MySpace?

9 A. He is saying that's something that we
10 always do. Blocks were possible.

11 Q. But he is also, in the title of the
12 e-mail, saying, we need to prepare for blocks of
13 IPs, correct?

14 A. Well, blocks -- we have always, since our
15 thing, said that blocks are possible.

16 We have -- you know, they happen for
17 different reasons and this was a general, just kind
18 of saying we need to continue making our system for
19 IP rotation and dealing with blocks, upgrading that
20 system.

21 (Whereupon, Exhibit 249 was marked for
22 identification.)

23 (Whereupon, a brief discussion off the
24 record.)
25

1 Q. Okay. By "them," are you referring to
2 Mr. --

3 A. Mr. Cutler, yeah. I believe we had a
4 conversation with him almost immediately. So we had
5 an immediate response like the same day or the next
6 day.

7 Q. Okay.

8 A. And that's when our dialogue all kind of
9 began.

10 Q. And throughout the period that you were
11 having the dialogue with Facebook's counsel, as CEO,
12 you were controlling and directing the company's
13 activities, correct?

14 A. I was.

15 Q. Okay. You were controlling and directing
16 their activities as it related to Facebook?

17 A. Yes.

18 Q. And that included controlling and
19 directing the activities related to the use of the
20 Power 100 campaign in conjunction with Facebook
21 users?

22 A. Yes.

23 Q. And that included the use -- the control
24 and direction of Facebook activities -- or, I mean,
25 Power's activities related to responses to blocks of

1 your IP addresses by Facebook?

2 A. I'm sorry. Repeat that?

3 Q. Let me -- it was horribly said. You
4 controlled the activities --

5 A. I was the CEO of the company, so I made
6 the final -- I made the final -- all the final
7 decisions of the company at that time.

8 Q. And that -- all I'm asking that would, in
9 the instance that we saw the e-mails earlier,
10 include your authorizing the changes that -- the
11 activities that were designed to ensure that even if
12 Facebook blocked Power, that Power would continue to
13 have access to Facebook?

14 A. Well, as I said, I didn't necessarily
15 authorize some of the things because I delegated --
16 you know, because like, as you saw, there were
17 e-mails that were not -- were not copied to me, that
18 Eric was handling and were not bothering me with.

19 So, I mean, it was a standard company. It
20 had a chain of command and obviously in the end I
21 was the CEO. But I delegated things that I didn't
22 make directly, I -- you know, Eric reported to me.

23 Q. Yeah, but you instructed Eric to ensure to
24 prepare for blocks by Facebook, correct?

25 A. I have -- on some issues, I mean, that we

1 have -- that we have seen, I have --

2 Q. You --

3 A. -- I have instructed him to, you know,
4 to -- you know, to address the situation.

5 Q. All right. To the extent Mr. Santos took
6 activities to ensure that Power continued to have
7 access to Facebook, he did so at your control and
8 direction, though, correct?

9 A. I mean, to things that he asked me. As I
10 said, there were things that he did that I was not
11 copied on, but, I mean, he was -- he was -- it was
12 his -- he felt in his opinion that he was able to
13 take care of those.

14 Q. Okay. But to the extent you were copied
15 on them, if you had disagreed with them, you would
16 have advised him, correct?

17 A. If I -- yeah, if I disagreed. And there
18 may have been e-mails, also, that I didn't see. I
19 mean, e-mails sometimes -- but for the most part, I
20 saw most e-mails.

21 Q. Okay.

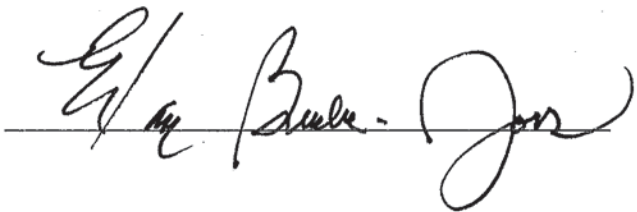
22 MR. COOPER: This is already marked, I'm
23 sorry.

24 (Whereupon, Exhibit 205, being previously
25 marked, was entered into the record.)

1 of the testimony given by the witness. (Fed. R. Civ. P.
2 30(f)(1)).

3 Before completion of the deposition, review of
4 the transcript [XX] was [] was not requested. If
5 requested, any changes made by the deponent (and
6 provided to the reporter) during the period allowed, are
7 appended hereto. (Fed. R. Civ. P. 30(e)).

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9 Dated: MARCH 8, 2012

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